

REMARKS

Reconsideration is requested.

Claims 1-30, 33-35, 43, and 47-50 have been canceled. Claims 64-67 have been added.

Claims 31-32, 36-42, 44-46 and 51-67 are pending.

Claim 31 has been amended above to recite specific active principles and to include the details of claims 47 and 48. Claim 36 has been amended to recite a specific active principle.

New claim 64 is based on claim 47 and finds support, for example, on page 6, lines 7-11 of the specification.

New claim 65 is based on claim 48 and finds support, for example, on page 7, lines 22-26 of the specification.

New claim 66 is based on now-canceled claim 50.

New claim 67 finds support in the specific embodiment of Example VIII of the specification.

No new matter has been added.

The claims are submitted to be in condition for allowance. Consideration of the remarks of record as well as the following further comments in this regard are requested.

The presently claimed invention relates to a foaming composition, such as a shampoo, comprising a pharmaceutical active and a compound which promotes its penetration.

The principal objective of the claimed invention is to obtain foam having good stability, volume and compactness (see the specification, page 3, lines 1-5), in combination with an efficacy of the active principle despite what might be the short contact time of the composition, with the scalp.

The applicants submit that it would not have been obvious to have obtained foam having good stability in particular, because it is common knowledge for one of ordinary skill in the art that the presence of alcohol or glycol type propenetrating agent does not promote foam stability.

However, this objective of the claimed invention has been obtained with the claimed invention with the claimed combination of a mixture of anionic and amphoteric surfactants in the specifically claimed amounts.

- The documents cited by the Examiner are understood to teach, at best, cosmetic compositions of a foaming shampoo-type, comprising surfactants generally. The cited art however is not believed to teach or suggest the specifically claimed mixture of anionic and amphoteric surfactants, with the recited active principle and propenetrating agent.

One of ordinary skill in the art would not have been motivated by the cited art to have added alcohols, for example, to a foaming composition because alcohols result in a non-foaming effect according to the common knowledge of one of ordinary skill in the art.

Moreover, while the cited art may include a description of compositions containing active principles, these teachings do not include a teaching of foaming or shampoo compositions containing an active principle. For example, the cited art is

believed, at best, to provide compositions in the form of creams (Kligman et al.) or in the form of lotions (Hirota et al.), which are compositions containing a substantial amount of alcohols. Therefore these latter compositions will be understood by one of ordinary skill in the art to be non-foaming compositions.

Even those compositions of the cited art which might be in the form of a shampoo (see Cameron et al), do not contain or suggest a propenetrating agent, as claimed. Finally, the cited Hirota et al. compositions are believed to contain non-ionic surfactants which would not result in a foaming effect.

The claims are submitted to be patentable over the art and an early and favorable Action is requested.

The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

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